



I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On 8/3/06

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]

**AMENDMENT UNDER 37 CFR 1.116
EXPEDITED PROCEDURE –
EXAMINING GROUP 3739**

PATENT

Attorney Docket No.: 022122-000410US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BRIAN N. PIERCE

Application No.: 10/789,948

Filed: February 26, 2004

For: DISINFECTION, DESTRUCTION OF
NEOPLASTIC GROWTH, AND STERIL-
IZATION BY DIFFERENTIAL ABSORP-
TION OF ELECTROMAGNETIC ENERGY

Customer No.: 20350

Confirmation No.: 5787

Examiner: Johnson III, Henry M.

Art Unit: 3739

**REQUEST FOR
RECONSIDERATION
UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3739**

*Nothing to
enter 8/16/06*

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following is submitted in response to the Office Action mailed July 18, 2006.

Reconsideration of the application is respectfully requested.

The rejection of claims 1-8 as either anticipated or obvious over Nordquist et al. US 6,149,671, is again respectfully traversed.

The holding in the Office Action that “the only positively cited step of the independent claim is irradiating a portion of a living organism” is an incomplete reading of the claim and a mischaracterization of the invention. As previously explained by Applicant, claim 1 of the present application explicitly recites irradiation of an organism with radiation at a